

APPENDIX

Rule R714-158 Vehicle Safety Inspection Program Requirements

R714-158-1. Authority.

This rule is authorized by Subsection 53-8-204(5).

R714-158-2. Purpose.

The purpose of this rule is to set standards governing the administration and enforcement of the safety inspection program in accordance with Title 53, Chapter 8, Part 2.

R714-158-3. Definitions.

As used in this rule:

- (1) "Action" means suspension or revocation of a certification or license.
- (2) "Certificate" means the certificate of inspection given when a vehicle meets the requirements of the inspection program.
- (3) "Certification" means the authority given to an inspector by the department to conduct safety inspections.
- (4) "Commercial motor vehicle" means any vehicle, machine, tractor, trailer or semi-trailer, propelled or drawn by mechanized power upon the highway in transportation of passengers or property, or any combination thereof. It does not include implements of husbandry.
- (5) "Department" means the Utah Department of Public Safety.
- (6) "Fleet station" means a station licensed by the department and capable of conducting safety inspections of commercial motor vehicles, provided the fleet owns a minimum of twenty-five vehicles.
- (7) "Inspector" means a person employed by a station licensed to conduct safety inspections.
- (8) "License" means the authority given to a station by the department to conduct safety inspections.
- (9) "Notice of agency action" means a written notice that the department intends to suspend or revoke a certification or license.
- (10) "Station" means a business, including public garages, service stations, and repair shops licensed by the department to conduct safety inspections.

(11) "Sticker" means the sticker intended to be placed on the windshield of a vehicle which has met the requirements of the inspection program.

R714-158-4. Station License.

A. Application for a license as a station can be made on forms provided by the department's Safety Inspection Section, 4501 South 2700 West, Box 14100, West Valley City, Utah 84114-1100.

(1) A \$1,000 surety bond is required for all stations except fleet stations and publicly owned stations.

(2) A \$100 station application fee is required.

(3) A \$25 annual license fee is required for all stations except publicly owned stations.

(4) A \$25 fee is required to renew a license that has been revoked.

B. Upon receiving an application for a license, the department will assign an investigator to inspect the place of business to determine if the applicant meets the requirements of this rule.

C. An applicant for a license shall meet the building and equipment requirements set forth in the "Vehicle Inspection Manual" prior to approval.

D. Upon approval, the license will be issued to the applicant and shall be displayed in a prominent location at the address shown on the license.

E. Licenses are not transferable. A change in the ownership, name, or location of a station requires a new application, bond, and license.

F. The \$1,000 surety bond will be forfeited in the event a station fails to observe the provisions of Section R714-158-5 of this rule.

R714-158-5. Inspector Certification.

A. An applicant for certification as an inspector shall:

(1) obtain training in accordance with the requirements of Section R714-158-6 of this rule;

(2) pay a \$10 non-refundable processing fee;

(3) be at least eighteen years of age; and

(4) have a valid drivers license.

R714-158-5. Inspector Certification. (Continued)

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B. Certification is valid for five years and expires on the month, day, and year shown on the certificate.

C. Certification can be renewed up to six months before the expiration date.

(1) A \$10 fee is required to process a return to the safety inspection program in the event of a suspension or revocation of certification.

R714-158-6. Inspector Training and Testing.

A. Inspector applicants shall obtain training, reference materials, and instructions from the department prior to certification.

B. The department may contract with educational institutions to provide training, re-training, or testing.

R714-158-7. General Safety Inspection Program Requirements.

A. Inspections shall be conducted honestly and thoroughly. Any attempt to coerce customers, or to sell unneeded parts or repairs is prohibited.

(1) Repairs or adjustments may not be made to a vehicle without prior approval of the customer.

(a) Any part that is replaced as a result of an inspection must be returned to the customer.

(b) If a part cannot be returned, it must be shown to the customer.

(c) The customer is under no obligation to have a vehicle repaired at the station. Repairs may be made at any business selected by the customer.

(2) A current set of inspection records shall be retained at each station or record keeping office.

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(a) The records shall be retained for a minimum of twelve months.

(b) When requested, records shall be made available for inspection by the department.

(3) Reports required by the department shall be submitted to the department prior to every third order of inspection supplies.

(a) Reports submitted to the department shall be legible and in sequence.

R714-158-7. General Safety Inspection Program Requirements. (Continued)

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- (b) Certificates and stickers shall be filled out on both sides.
- (4) Each station in the safety inspection program shall maintain an adequate supply of certificates, stickers, and other inspection supplies.
- (a) Certificates, stickers, and other inspection supplies shall be safeguarded against loss or theft.
- (b) Missing or stolen certificates or stickers shall be immediately reported to the department.
- (5) No certificate or sticker shall be issued without making a proper inspection, or issued to any vehicle that does not meet safety inspection requirements.
- (6) An inspector may conduct inspections, issue certificates, and attach stickers to vehicles only at the location designated on the license.
- (7) Certificates, stickers, or other inspection supplies, may not be sold or transferred from one station to another.
- (8) Each station must be open for a least eight consecutive hours during the normal business day. Stations may close on holidays, Saturdays and Sundays.
- (a) At least one inspector must be on duty at each station during business hours.

R714-158-8. Vehicle Safety Inspection Manual.

The department shall prepare the "Vehicle Inspection Manual" which shall be based on the "Utah Code," the "Federal Code of Regulations," the "Vehicle Inspection Handbook" of the American Association of Motor Vehicle Administrators, and on vehicle manufacturer specifications.

- (1) The department shall seek the advice of the Safety Inspection Advisory Council prior to any substantive changes in the "Vehicle Inspection Manual."
- (2) Inspectors shall conduct inspections in accordance with the "Vehicle Inspection Manual."

R714-158-9. Certificates, Stickers, and Inspection Reports.

A. Certificates (HP SI-29) will be issued in books of seventy-five.

- (1) A maximum of seven books of certificates and twenty books of stickers may be purchased on one order.

R714-158-9. Certificates, Stickers, and Inspection Reports. (Continued)

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- (2) All orders shall be paid by check, except as authorized by the department.
 - (3) Unused certificates or stickers, if less than two years old and in quantities of ten or more, may be returned to the department for reimbursement or exchange.
 - (4) Returned certificates and stickers must be in the original book and sequence.
- B. Certificates, stickers, and inspection reports, shall be completed and issued as set forth in the "Vehicle Inspection Manual."

R714-158-10. Incorporation of Federal Standards for Commercial Vehicles.

The department adopts federal regulation 49 CFR 393, 396, and 396 Appendix G (1997 edition), applicable to commercial motor vehicles and trailers operating in interstate commerce, and incorporates those regulations in this rule by reference.

R714-158-11. Grounds for Denial, Suspension, or Revocation of License or Certification.

A license or certification may be denied, suspended, or revoked for either of the following reasons:

- (1) violation of state laws or rules applicable to vehicle inspections.
- (2) conviction of any crime involving moral turpitude.

R714-158-12. Adjudicative Proceedings.

A. All adjudicative proceedings set forth in this section shall be conducted informally, and as authorized by Sections 53-8-204, 63-46b-4, and 63-46b-5.

B. Action to deny, suspend or revoke any license or certification or to appeal any denial, suspension, or revocation shall be made on forms provided by the department in accordance with Section 63-46b-3.

C. Appeal to department. A person who has been issued a notice of agency action to suspend or revoke a license or certification may request a hearing before the department by filing an appeal with the department within ten days of receipt of the notice of agency action. If a timely appeal is filed, the intended agency action shall automatically be stayed.

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(1) The hearing before the department shall be informal and is intended to provide the person with an opportunity to show cause why the intended agency action should not be taken.

(2) The department will issue a signed order to the parties within five days of the hearing, ordering or denying the intended agency action.

D. Appeal to Advisory Council. A person who has been denied a license or certification, or a person whose license or certification has been suspended or revoked by the department, may request a hearing before the Advisory Council pursuant to Section 53-8-203, by filing an appeal with the department within ten days of receipt of the denial, suspension, or revocation.

(1) Except in the case of an emergency order, a timely appeal to the department requesting an Advisory Council hearing shall automatically stay a department order of suspension or revocation.

(2) The hearing before the Advisory Council shall be informal and shall be held within thirty days after the appeal is filed.

(3) The Advisory Council shall make written findings and conclusions and issue a signed order within ten days of the hearing; affirming, denying, or modifying the order of the department.

E. Reconsideration of the order of the Advisory Council may be requested in writing within twenty days of the date of the order in accordance with Section 63-46b-13.

F. The order of the Advisory Council shall be subject to judicial review in accordance with Section 63-46b-15.

G. A default order may be entered against a party who fails to participate in any of the hearings provided for in this section in accordance with Section 63-46b-11.